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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,388	07/25/2003	Manish Mangal	2225	3928

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EXAMINER

FERGUSON, KEITH

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/22/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/627,388

Applicant(s)

MANGAL ET AL.

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Response to Arguments

2. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,3-11,13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haller et al. in view of Takashima et al. and Thayer (WO9952314), newly recited reference.

Regarding claims 1,3 and 8, Haller et al. discloses a method (fig. 3) of allocating call processing resources (paragraph 0036 line 1 through paragraph 0038 line 8) comprising: receiving at a base transceiver station a signal sent wirelessly from a client station (paragraph 0036 lines 5-8), selecting through one specific base station controller of

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multiple base station controllers to which to route the signal from the base transceiver station (paragraph 0036 line 1 through paragraph 0038 line 8); and routing the signal from the base transceiver station to the selected specific base station controller (paragraph 0037 lines 1-17 and paragraph 0038 lines 1-8). Haller et al. differs from claim 1 of the present invention in that it does not disclose the base station controller is selected based upon a characteristic of the signal and wherein the characteristic of the signal identifies the signal is a test signal. Takashima et al. teaches a mobile station originate a up stream call comprising its mobile identifications to a base station (P:0066 lines 1-10), the base station searches for a destination BSC based upon the mobile identification number (P:0066 lines 1-10). Thayer teaches a test signal is inputted into a tested base station controller from a virtual call manipulator (103) which mimics functionality and loads of actual base station and mobile stations (page 8 lines 7-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haller et al. with the base station controller is selected based upon a characteristic of the signal and wherein the characteristic of the signal identifies the signal is a test signal in order for the base transceiver station to select a base station controller based upon the mobile station originated destination information originated by the mobile station and determining if the base station controller can handle the mobile station call based upon the base station controller load characteristics, which saves time and system resources when connecting to the mobile station call to its final destination, and as taught by Takashima et al. and Thayer.

Regarding claims 4-6 and 14-16, Haller et al. discloses detecting particular content (call set up information) (inherent, as a Mobile identification number originated from the wireless user when registering with a wireless network before dialing a phone number to ma network, as taught in paragraph 0036 lines 5-8) of the signal (paragraph 0036 lines 5-8); and responsively

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selecting one controller based at least in part on the particular content of the signal (paragraph 0037 lines 1-17).

Regarding claims 7 and 17, Haller et al. discloses sending the signal into an IP network (packet-switched network) to the selected base station controller (paragraph 0042 lines 4-14).

Regarding claim 9, Haller et al. discloses a method (fig. 3) comprising receiving at a base transceiver station a first signal sent wirelessly from a client station (paragraph 0036 line 1 through paragraph 0038 line 8); selecting a first one of a specific base station controller of multiple base station controllers to which to route the first signal from the base transceiver station, (paragraph 0036 line 1 through paragraph 0038 line 8) and routing the first signal over a IP network (packet-switched network) from the base transceiver station to the first selected base station controller (paragraph 0042 lines 4-16); receiving at the base transceiver station a second signal sent wirelessly from a client station (paragraph 0042 lines 4-16); and selecting a second one of multiple base station controllers to which to route the second signal from the base transceiver station (paragraph 0042 lines 14-23), and routing the second signal over the packet-switched network from the base transceiver station to the second selected base station controller (paragraph 0042 lines 14-23). Haller et al. differs from claim 9 of the present invention in that it does not disclose the base station controller is selected based upon a characteristic of the signal and wherein the characteristic of the second signal identifies the signal is a test signal. Takashima et al. teaches a mobile station originate a up stream call comprising its mobile identifications to a base station (P:0066 lines 1-10), the base station searches for a destination BSC based upon the mobile identification number (P:0066 lines 1-10). Thayer teaches a test signal is inputted into a tested base station controller from a virtual call manipulator (103) which mimics functionality and loads of actual base station and mobile stations (page 8 lines 7-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to modify Haller et al. with the base station controller is selected based upon a characteristic of the signal and wherein the characteristic of the second signal identifies the signal is a test signal in order for the base transceiver station to select a base station controller based upon the mobile station originated destination information originated by the mobile station and determining if other base station controller can handle mobile station calls based upon the their load characteristics, which saves time and system resources when connecting to the mobile station calls to their final destination, and as taught by Takashima et al. and Thayer.

Regarding claims 10,11,13,18 and 19 Haller et al. discloses a base transceiver station (paragraph 0034 and fig. 4 number 80) comprising: an antenna system configured to wirelessly receive signals from client stations (paragraph 0034 and paragraph 0036); and control logic tied locally to the antenna system (paragraph 0034), wherein the antenna system passes to the control logic the signals that the antenna system receives wirelessly from client stations (paragraph 0034 and paragraph 0036), and wherein the control logic in turn passes the signals to a remote base station controller (paragraph 0034 and paragraph 0036), wherein the control logic is arranged to select one of multiple remote base station controllers to which to route a given signal received by the antenna system (paragraph 0037, paragraph 0038 and paragraph 0042), and to then route the given signal to the selected remote base station controller (paragraph 0037, paragraph 0038 and paragraph 0042). Haller et al. further discloses selecting a first one of multiple base station controllers to which to route the first signal from the base transceiver station, (paragraph 0042 lines 8-16) and routing the first signal over a IP network (packet-switched network) from the base transceiver station to the first selected base station controller (paragraph 0042 lines 4-16); receiving at the base transceiver station a second signal sent wirelessly from a client station; and selecting a second one of multiple base station controllers to which to route the second signal from the base transceiver station (paragraph 0042 lines 14-23), and routing the second signal over the packet-switched network from the base transceiver station to the second selected base station controller (paragraph 0042 lines 14-23). Haller et al. differs from claim 10 and 19 of the present invention in that it does not disclose the base station controller is selected based upon a characteristic of the signal and wherein the characteristic of the signal identifies the signal is a test

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signal. Takashima et al. teaches a mobile station originate a up stream call comprising its mobile identifications to a base station (P:0066 lines 1-10), the base station searches for a destination BSC based upon the mobile identification number (P:0066 lines 1-10). Thayer teaches a test signal is inputted into a tested base station controller from a virtual call manipulator (103) which mimics functionality and loads of actual base station and mobile stations (page 8 lines 7-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haller et al. with the base station controller is selected based upon a characteristic of the signal and wherein the characteristic of the signal identifies the signal is a test signal in order for the base transceiver station to select a base station controller based upon the mobile station originated destination information originated by the mobile station and determining if the base station controller can handle the mobile station call based upon the base station controller load characteristics, which saves time and system resources when connecting to the mobile station call to its final destination, and as taught by Takashima et al. and Thayer.

5. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haller et al. in view of Takashima et al. and Thayer as applied to claims 1 and 10 above and in further view of Nakashima.

Regarding claims 2 and 12, the combination of Haller et al. Takashima et al. and Thayer differs from claims 2 and 12 of the present invention in that they do not explicit disclose selecting the one base station controller based at least in part on a current time. Nakashima teaches at the time a mobile call has occurred, a base station controller is selected based upon its ability threshold to handle the call (paragraph 0013 lines 5-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made To modify the combination of Haller et al. Takashima et al. and Thayer with selecting the one base station controller based at least in part on a current time in order for the base station to select a base station controller based upon the bandwidth available when a call is placed by the wireless user, as taught by Nakashima.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Keith Ferguson
Art Unit 2617
December 12, 2006

KEITH FERGUSON
PRIMARY EXAMINER

